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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,738	04/13/2001	Kobi Menachemi	MENCHEMI=1A	2874

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BROWDY AND NEIMARK, P.L.L.C.  
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EXAMINER

RAMPURIA, SATISH

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/833,738

Applicant(s)

MENACHEMI ET AL.

Examiner

Satish S. Rampuria

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>03/12/2002</u> . | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

1. This action is in response to the application filed on 04/13/2001.
2. Claims 1-48 are pending.

***Priority***

3. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification of in an application data sheet (37 CFR 1.78(a)(2) and (a)(5)). The specific reference to any prior nonprovisional application must include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

***Information Disclosure Statement***

4. An initialed and dated copy of Applicant's IDS form 1449, Paper No. 5, is attached to the instant Office action.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4-7, 21-23, 25-29, 32, 42, 43, 46, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Davidson et al., hereinafter called Davidson, US Patent No. 6,083,276.

**Per claims 1 and 7:**

Davidson disclose:

**- *A method for building at least part of an application dynamically*** (Abstract, “A method for creating... component-based application” and col. 4, lines 49-51 “a method... for creating component-based application”)

**- *providing a document including a specification for building at least part of an application*** (Abstract “through text-based descriptive attribute grammar includes creating a parse tree from an application description file” and col. 4, lines 51 “through... XML-compliant, text-base document”)

**- *and building said at least part of an application dynamically using said specification*** (Abstract, “creating and configuring a component-based application through text-based descriptive attribute”); wherein said at least part of an application is new and said building includes providing said at least part of an application. It is inherent when building application it must be a new application.

**Per claim 4:**

The rejection of claim 1 is incorporated, and further, Davidson disclose:

**- *launching an application including said at least part*** (col. 4, lines 57-58 “launch the component-base application”)

**Per claim 5:**

The rejection of claim 1 is incorporated, and further, Davidson disclose:

- *wherein said at least part of an application is a class* (col. 4, line “components corresponding... of classes... application framework”) *and said specification is a class descriptor* (col. 4, lines 53-54 “an application description file”)

**Per claim 6:**

The rejection of claim 5 is incorporated, and further, Davidson disclose:

- *parsing said document* (col. 4, line 61 “application includes a parser”)  
- *translating said parsed document into at least one class descriptor* (col. 4, lines 54-56 “parse tree is transformed into a plurality of components corresponding to instances of classes in an application framework”)

**Per claims 21, 46, and 47:**

The rejection of claim 1 is incorporated, and further, Davidson disclose:

- *receiving document via network* (col. 5, line 57 “The network interface”)

**Per claim 22:**

The rejection of claim 1 is incorporated, and further, Davidson disclose:

- *receiving at least part via a network* (col. 5, line 57 “The network interface”)

**Per claim 23:**

The rejection of claim 22 is incorporated, and further, Davidson disclose:

**- detecting that said at least part is not available locally; and downloading said at least part via said network.** It is inherent to detect the file if it exists before downloading.

**Claim 25** is the system claim corresponding to method claim 1 and rejected under the same reason set forth in connection of the rejection of claim 1 above.

**Per claims 26 and 27:**

The rejection of claim 25 is incorporated, and further, Davidson disclose:

**- a local registry for storing information about at least part of said at least part of an application** (col. 24, lines 5-6 “Java class 132... registered for... element”).

**Per claims 28, 29, and 32:**

The rejection of claim 25 is incorporated, and further, Davidson disclose:

**- a storage for providing at least part of said at least part of an application to said loader** (col. 5, lines 65-66 “the memory 106 is used to store a number of software objects of module” and col. 6, lines 23 “dynamic class loading and run-time”)

**Per claims 8, 9, 10, and 11:**

The rejection of claim 7 is incorporated, and further, Davidson disclose:

- generating/creating said class and filling class details according to class descriptor. It is inherent in the Davidson's method since it is generating component based application based on text-based document.

**Per claim 12:**

The rejection of claim 9 is incorporated, and further, Davidson disclose:

- ***wherein said class descriptor*** (Abstract "through text-based descriptive attribute grammar includes creating a parse tree from an application description file") ***includes at least one property descriptor*** (col. 7, lines 33-34 "Each element... has a name or "tag"... by which... the element... is defined in the ADF")
- ***creating a new property***. It is inherent in the Davidson's method since it is generating component based application based on text-based document.
- ***and filling in property details into said property according to said property descriptor*** (col. 7, lines 36-38 "the elements... contain attributes... which correspond to properties of a component")

**Claim 42** is the computer program product claim corresponding to method claim 1 and rejected under the same reason set forth in connection of the rejection of claim 1 above.

**Claim 43** is the computer program product claim corresponding to system claim 25 and rejected under the same reason set forth in connection of the rejection of claim 25 above.

substantially as claimed.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson, in view of Thure et al., hereinafter called Thure, Pub. No. US 2003/0055849.

**Per claim 2:**

The rejection of claim 1 is incorporated, and further, Davidson does not explicitly disclose that the document is written in semi-structure data.

However, Thure discloses in an analogous computer system document is written in semi-structure data (Abstract, "processing semistructured data... semistructured textual data").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate using of semistructured as taught by Thure into the method of building application as taught by Davidson. The modification would be obvious because of one of ordinary skill in the art would be motivated use semistructured data because it is easier to handle which is stored in one or more banks as suggested by Thure (page 2, paragraph 17.

**Per claim 3:**



The rejection of claim 2 is incorporated, and further, Davidson disclose:

- *wherein said document is written in an XML based language* (col. 4, line 51 “creating... component-based application through... XML-compliant, text-based document”)

9. Claims 13, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of admitted prior art.

**Per claim 13:**

The rejection of claim 5 is incorporated, and further, Davidson does not explicitly disclose a class contains another class.

However, admitted prior art discloses one or more classes can be contained in a class (page 2, lines 20-21 “One or more classes... can be contained within another class”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the other class into another class as stated in prior art in corresponding the system for building application as taught by Davidson. The modification would be obvious because of one of ordinary skill in the art would be motivated to include one another class within a class to make the application more efficient.

**Per claim 14:**

The rejection of claim 13 is incorporated, and further, Davidson disclose:

- *wherein said class descriptor* (Abstract “through text-based descriptive attribute grammar includes creating a parse tree from an application description file”) *includes at least one*

***property descriptor*** (col. 7, lines 33-34 "Each element... has a name or "tag"... by which... the element... is defined in the ADF")

**Per claim 15:**

The rejection of claim 13 is incorporated, and further, Davidson disclose:

- ***at least one other class is generated.*** It is inherent in the Davidson's method for since it is generating component based application based on text-based document.

10. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson, admitted prior art in view of Dubey, hereinafter called Dubey, US Patent No. 6,637,021.

**Per claims 16-18:**

The rejection of claim 13 is incorporated, and further, neither Davidson nor admitted prior art disclose download class from remote location.

However, Dubey discloses in an analogous computer system classes are loaded from the network (col. 2, lines 42-43 "Classes are loaded... from the network... or from a local file system").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of loading classes as taught by Dubey into the combination system of building application as suggested by Davidson and admitted prior art. The modification would be obvious because of one of ordinary skill in the art would be motivated to load classes dynamically to expedite the run time execution of an application as taught by Dubey (col. 2 lines 45-50).

11. Claims 23, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of Dubey.

**Per claims 23, 30, and 31:**

The rejection of claims 22 and 25 is incorporated respectively, and further, Davidson does not explicitly disclose download class from remote location.

However, Dubey discloses in an analogous computer system classes are loaded from the network (col. 2, lines 42-43 "Classes are loaded... from the network... or from a local file system").

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of loading classes as taught by Dubey into the method for building application as suggested by Davidson. The modification would be obvious because of one of ordinary skill in the art would be motivated to load classes dynamically to expedite the run time execution of an application as taught by Dubey (col. 2 lines 45-50).

12. Claims 19, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson in view of admitted prior art.

**Per claims 19, 20, and 24:**

The rejection of claim 5 and 23 is incorporated respectively, and further, Davidson does not explicitly disclose instantiating an object from said class, create new object, and create properties of new object and at least part is a basic part.

However, admitted prior art discloses instantiating an object from said class (page 2, lines 16-19 “an object is instantiated from its corresponding class, a new replica of the class is spawned, resembling the class blueprint. The properties of the new object' may then be changed to contain distinctive data” and page 2, lines 15-16 “A class (basic part) is a category of object. The class defines the common properties of the different objects that belong to the class”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of instantiating an object from said class as taught in admitted prior art in corresponding to building an application as taught by Davidson. The modification would be obvious because of one of ordinary skill in the art would be motivated to initiate an object from class to create new replica of a class.

13. Claims 33, 34, 36, 37, 39, 40, 41, 44, 45, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson, in view of Joseph et al., hereinafter called Joseph, US Patent No. 5,819,034.

**Per claims 33, 34, 36,37, 39, 40 and 41:**

- ***A method for building an application of interest*** (Abstract, “A method for creating... component-based application”)

- ***receiving a document including a specification for at least part of an application, over a network*** (col. 6, line 42 “receives an application description file (ADF)” and col. 6, lines 44-45 “ADF 202 is generated by a... server”)

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- ***building the application of interest*** (Abstract, “creating and configuring a component-based application through text-based descriptive attribute”)

- ***generating classes***. It is inherent in the Davidson’s method for since it is generating component based application based on text-based document.

Davidson does not explicitly disclose whether executable files transferred or received.

However, Joseph discloses in an analogous computer system transmitting and receiving executable for applications (Abstract, “transferring and receiving executable multimedia applications”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method for sending receiving executable code as taught by Joseph into the method for buiding application as taught by Davidson. The modification would be obvious because of one of ordinary skill in the art would be motivated to send/receive executables for applications on the network to save the memory space.

***Claim 44*** and ***45*** are the product claim corresponding to system claim 33 and rejected under the same reason set forth in connection of the rejection of claim 33 above.

**Per claim 48:**

The rejection of claim 33 is incorporated, and further, Davidson disclose:

- ***a server sending said document*** (col. 5, line 57 “The network interface”). The network interface is used for send/receive document.

14. Claims 35, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davidson, Joseph in view of admitted prior art.

**Per claims 35, 37, and 38:**

The rejection of claim 34 and 36 is incorporated respectively, and further, neither Davidson nor Joseph explicitly discloses set-phase is a basic part.

However, admitted prior art discloses instantiating an object from said class (page 2, lines 16-19 “an object is instantiated from its corresponding class, a new replica of the class is spawned, resembling the class blueprint. The properties of the new object' may then be changed to contain distinctive data” and page 2, lines 15-16 “A class (basic part) is a category of object. The class defines the common properties of the different objects that belong to the class”).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the method of instantiating an object from said class as taught in admitted prior art in corresponding to building an application as taught by Davidson. The modification would be obvious because of one of ordinary skill in the art would be motivated to initiate an object from class to create new replica of a class.

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patent is cited to further show the state of the art with respect to building application.

US Patent No. 6,519,629 to Harvey et al.

US Patent No. 6,085,198 to Skinner et al.

US Patent No. 5,953,526 to Day et al.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Satish Rampuria whose telephone number is 703-305-8891.

The examiner can normally be reached on Monday-Friday from 8:30 A. M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kakali Chaki can be reached at 703-305-9662. The fax number for this group is 703-872-9306. An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-3900.

Satish S. Rampuria

Patent Examiner

Art Unit 2124

04/05/04

*Kakali Chaki*  
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